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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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EXAMINER
DEPUMPO, D

ART UNIT	PAPER NUMBER
3611	22

DATE MAILED: 09/23/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Please see attached letter.

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1. The reply brief filed 4/9/98 has been entered and considered. The application has been forwarded to the Board of Patent Appeals and Interferences for decision on the appeal.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel G. DePumpo whose telephone number is (703) 308-1113.

DANIEL G. DePUMPO
PRIMARY EXAMINER
GROUP 3100

dgd

September 22, 1998

1. Claims 1, 3-11, 13, 14 and 16-29 remain withdrawn from further consideration by the examiner, 37 C.F.R. § 1.142(b), as being drawn to a non-elected species, the requirement having been traversed in Paper No. 5.

2. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

> A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
>
> Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

3. Claim 2 is finally rejected under 35 U.S.C. § 103 as being unpatentable over Ueda et al. '030 in view of Ogino et al.

Ueda et al. '030 discloses all features including the use of expanded graphite. While Ueda does disclose that the graphite sheets and reinforcing fiber are "laminated" (which usually involves adhesive bonding), adhesives are not explicitly mentioned.

Ogino et al. teaches the use of longitudinally disposed fibers which are laminated with expanded graphite sheets by adhesives for the purpose of reinforcing the graphite sheets.

Therefore, it would have been obvious, in view of Ogino et al., to use adhesive to laminate the graphite sheets and fiber of Ueda together.

4. Claim 2 is finally rejected under 35 U.S.C. § 103 as being unpatentable over DeWitt, Sr. in view of Schnitzler.

DeWitt discloses the packing substantially as claimed, including the use of graphite, but does not specifically disclose the use of expanded graphite. Schnitzler teaches the well known use of expanded graphite which is preferred for use in packings due to its mechanical properties. Therefore, it would have been obvious, in view of Schnitzler, to utilize expanded graphite due to its preferred mechanical properties and commercial availability.

5. Claim 2 is finally rejected under 35 U.S.C. § 103 as being unpatentable over Case et al. in view of Schnitzler.

Case et al. discloses all features except for the use of expanded graphite. Case et al. discloses a packing made of braided yarns wherein the yarns are made up of twisted or braided fibers and graphite. Case et al. also discloses the use of TFE binder which acts as an adhesive to bind the graphite to the fibers (also see Ueda et al. '030 column 5, lines 19-20).

Schnitzler teaches the well known use of expanded graphite which is preferred for use in packings due to its mechanical properties. Therefore, it would have been obvious, in view of Schnitzler, to utilize expanded graphite due to its preferred mechanical properties and commercial availability.

6. Applicant's arguments filed January 27, 1997 have been fully considered but they are not deemed to be persuasive.

Applicant's assertions that the seal of Ueda et al. '030 does not have internally reinforced yarns as incorrect. As shown in figures 7-9, the yarns are internally reinforced by fiber 2. Clearly, fiber 2 is internal, and not external, as asserted by Applicant.

Applicant's argument that the packings of Ogino et al. and Schnitzler are not braided is not relevant because these references have not been relied on for such a teaching. The teaching of a braided packing has been provided by the base references.

It is noted that the yarns of DeWitt are internally reinforced at 15 or 20.

It is noted that Applicant has not addressed the rejection based on the combination of Case and Schnitzler.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel G. DePumpo whose telephone number is (703) 308-1113.

DANIEL G. DePUMPO
Primary Examiner
Art Unit 3108

dgd
April 16, 1997